

Union Calendar No. 219

111TH CONGRESS
1ST SESSION

H. R. 1084

[Report No. 111-374]

To require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2009

Ms. ESHOO (for herself, Mr. DOYLE, Mr. GEORGE MILLER of California, Ms. SUTTON, Mr. SIRES, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, Ms. WATSON, Ms. SCHWARTZ, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Ms. MCCOLLUM, Mr. HARE, Mr. HONDA, Mr. CAPUANO, Ms. SPEIER, Mr. GENE GREEN of Texas, Mr. DICKS, Mr. CROWLEY, Ms. LEE of California, and Ms. LORETTA SANCHEZ of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 14, 2009

Additional sponsors: Mr. ROTHMAN of New Jersey, Mr. MORAN of Virginia, Mr. GORDON of Tennessee, Ms. SHEA-PORTER, Mr. TOWNS, Mr. COHEN, Mrs. MYRICK, Mr. ELLSWORTH, Mr. SPRATT, Mr. SMITH of Washington, Mr. WEINER, Mr. MURPHY of Connecticut, Mrs. CAPPS, Ms. WOOLSEY, Mr. HOLT, Mr. ENGEL, Mr. PASCRELL, Mrs. LOWEY, Mr. CARNEY, Mr. MURTHA, Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, Mr. ACKERMAN, Mr. SARBANES, Mr. FARR, Ms. CASTOR of Florida, Mr. PAYNE, Ms. SCHAKOWSKY, Mr. OBEY, Mr. ARCURI, Mr. JACKSON of Illinois, Mr. HINCHEY, Ms. MATSUI, Mrs. DAVIS of California, Ms. KILROY, Mrs. MCCARTHY of New York, Mr. LARSON of Connecticut, Mr. STUPAK, Mr. TONKO, Mr. RAHALL, Mr. ISRAEL, Mr. CONNOLLY of Virginia, Mr. MCNERNEY, Ms. DEGETTE, Mr. RYAN of Ohio, Ms. BALDWIN, Ms. SLAUGHTER, Mr. MEEK of Florida, Mr. MARKEY of Massachusetts, Mr. THOMPSON of Mississippi, Mr. COOPER, Mr. CONYERS, Mr. CARNAHAN, Ms. BERKLEY, Ms. EDWARDS of Maryland, Ms. DELAURO, Mr. HIGGINS, Mr. KAGEN, Mr. STARK, Mr. COURTNEY, Mr. HALL of New York, Mr.

ANDREWS, Mr. BARROW, Mr. BLUMENAUER, Ms. BORDALLO, Mr.
BRALEY of Iowa, Mr. KENNEDY, Mr. MCINTYRE, and Mr. NYE

DECEMBER 14, 2009

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To require the Federal Communications Commission to pre-
scribe a standard to preclude commercials from being
broadcast at louder volumes than the program material
they accompany.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commercial Advertise-
5 ment Loudness Mitigation Act”.

6 **SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

7 (a) **REGULATION REQUIRED.**—Within one year after
8 the date of enactment of this Act, the Federal Commu-
9 nications Commission shall prescribe pursuant to the
10 Communications Act of 1934 (47 U.S.C. 151 et seq.) a
11 regulation that provides, in connection with any video pro-
12 gramming that is broadcast or that is distributed by any
13 multichannel video programming distributor, that—

14 (1) advertisements accompanying such video
15 programming shall not be excessively noisy or stri-
16 dent;

17 (2) such advertisements shall not be presented
18 at modulation levels substantially higher than the
19 program material that such advertisements accom-
20 pany; and

21 (3) the average maximum loudness of such ad-
22 vertisements shall not be substantially higher than
23 the average maximum loudness of the program ma-
24 terial that such advertisements accompany.

1 (b) **DEFINITIONS.**—For purposes of this section, the
 2 terms “video programming” and “multichannel video pro-
 3 gramming distributor” have the meanings given such
 4 terms in section 602 of Communications Act of 1934 (47
 5 U.S.C. 522).

6 **SECTION 1. SHORT TITLE.**

7 *This Act may be cited as the “Commercial Advertise-*
 8 *ment Loudness Mitigation Act” or the “CALM Act”.*

9 **SEC. 2. RULEMAKING ON LOUD COMMERCIALS REQUIRED.**

10 (a) **REGULATION REQUIRED.**—*Within 1 year after the*
 11 *date of enactment of this Act, the Federal Communications*
 12 *Commission shall prescribe pursuant to the Communica-*
 13 *tions Act of 1934 (47 U.S.C. 151 et seq.) a regulation that*
 14 *is limited to incorporating by reference the “Recommended*
 15 *Practice: Techniques for Establishing and Maintaining*
 16 *Audio Loudness for Digital Television” (A/85), and any*
 17 *successor thereto, approved by the Advanced Television Sys-*
 18 *tems Committee, only insofar as such recommended practice*
 19 *concerns the transmission of commercial advertisements by*
 20 *a television broadcast station, cable operator, or other mul-*
 21 *tichannel video programming distributor.*

22 (b) **IMPLEMENTATION.**—

23 (1) **EFFECTIVE DATE.**—*The Federal Communica-*
 24 *tions Commission shall prescribe that the regulation*

1 *adopted pursuant to subsection (a) shall become effec-*
2 *tive 1 year after the date of its adoption.*

3 (2) *WAIVER.—For any television broadcast sta-*
4 *tion, cable operator, or other multichannel video pro-*
5 *gramming distributor that demonstrates that obtain-*
6 *ing the equipment to comply with the regulation*
7 *adopted pursuant to subsection (a) would result in fi-*
8 *nancial hardship, the Federal Communications Com-*
9 *mission may grant a waiver of the effective date set*
10 *forth in paragraph (1) for 1 year and may renew*
11 *such waiver for 1 additional year.*

12 (c) *DEFINITIONS.—For purposes of this section—*

13 (1) *the term “television broadcast station” has*
14 *the meaning given such term in section 325 of the*
15 *Communications Act of 1934 (47 U.S.C. 325); and*

16 (2) *the terms “cable operator” and “multi-*
17 *channel video programming distributor” have the*
18 *meanings given such terms in section 602 of Commu-*
19 *nications Act of 1934 (47 U.S.C. 522).*

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